

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CURTIS HYRAM PASCHAL,	)	
	)	
Plaintiff,	)	No. 9-317
	)	
Vs.	)	
	)	
CROSSGATES MANAGEMENT, INC.	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

In this civil action, Plaintiff, proceeding pro se, sues Defendant Crossgates Management, Inc. for violations of 42 U.S.C. § 1982. Plaintiff's Complaint alleges that he lives in Carson Towers; that maintenance has attempted, unsuccessfully, to unclog his toilet, and that the manager is aware of the plumbing problem. Plaintiff also complains about climate control and inadequate ventilation over his stove. He avers that Carson Towers exploits black residents, and suggests that the Department of Housing and Urban Development has improperly contracted out the maintenance of Carson Towers.

In deciding a motion to dismiss, all factual allegations, and all reasonable inferences therefrom, must be accepted as true and viewed in a light most favorable to the plaintiff. Colburn v. Upper Darby Twp., 838 F. 2d 66, 666 (3d Cir. 1988). In ruling a motion for failure to state a claim, I must look to "whether sufficient facts are pleaded to determine that the complaint is not frivolous, and to provide the defendants with adequate notice to frame an answer." Id. at 666.

Complaints “need not plead law or match facts to every element of a legal theory.” Weston v. Pennsylvania, 251 F. 3d 420, 429 (3d Cir. 2001).

Defendant has filed a Motion to Dismiss the Amended Complaint, solely on grounds that Plaintiff has not pleaded any facts regarding Crossgates Management, Inc. Indeed, the name of the Defendant, or any substantive reference to the Defendant, is absent from the Amended Complaint. Defendant’s relationship to the alleged wrongdoing, or to the apartment building management and maintenance, is unspecified. Accepting the facts pleaded as true, therefore, they present insufficient grounds to hold Defendant liable.

AND NOW, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant’s Motion to Dismiss (Docket No. [8]) is GRANTED. Plaintiff’s Amended Complaint will be dismissed for failure to state a claim, and Plaintiff may submit a new filing, in an attempt to cure this defect, within twenty (20) days from today’s date.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Chief Judge, U.S. District Court